REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and following discussion is respectfully requested.

Claims 8-16 are pending in this application. By this Amendment, Claims 8, 13 and 14 are amended; and no claims are canceled or added herewith. It is respectfully submitted that no new matter is added by this Amendment.

In the outstanding Office Action, Claims 8-12 and 15-16 were rejected under 35 U.S.C. § 101; Claims 8, 9 and 13-16 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,535,228 to Bandaru in view of Kamara and further in view of U.S. Patent No. 6,154,600 to Newman; and Claims 10-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bandaru and Kamara and further in view of U.S. Patent No. 5,838,314 to Neel.

With respect to the rejection of Claims 8-12 and 15-16 under 35 U.S.C. § 101, Applicant respectfully traverses this rejection. Claim 8 recites hardware and is directed to an apparatus, in particular a data providing apparatus attached to a plurality of user apparatus. In an embodiment of the invention shown in Figure 1, the data providing apparatus includes a receiving unit 3 that is configured to receive content data transmitted from the plurality of user apparatus 1-1 for example. Further, Applicants submit that computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed **as part of an otherwise statutory manufacture or machine**. In such a case, the claim **remains statutory irrespective of the fact that a computer program is included in the claim.**[1] Accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

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[1] *See* Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, USPTO 2005 (Annex IV, Computer Related Non-Statutory Subject Matter) page 53

With respect to the rejections under 35 U.S.C. § 103, those rejections are respectfully traversed. In particular, Applicants submit that the applied art does not teach or suggest an editing unit configured to edit the content data in response to a demand by the plurality of user apparatuses, the editing unit configured to assign identification numbers to the contents data and allocate the contents data to a plurality of predetermined scenes based on the assigned identification number, the predetermined scenes composing a scenario selected by a user, as recited in Claim 8 and similarly recited in Claims 13 and 14.

Instead, the applied art of Newman merely discusses a media editor for non-linear editing of hypermedia. As discussed in col. 3, Newman is concerned with eliminating the need for a personal computer by enabling the incorporation of conventional home entertainment components, such as camcorders and cd players, into a hypermedia editing system. Newman allows for users to capture hypermedia and/or hypermedia portions using the graphical user interface (GUI). The captured clips appear as icons and the user may combine captured clips by manipulating their respective icons to affect a wide variety of editing functions. The user may also use the GUI to integrate captured clips onto a timeline to form a motion picture clip. The editor includes a video controller to receive a video portion of an input, an input frame controller to provide a plurality of video frames of the video portion, and an editing engine in communication with a memory controller, to receive and manipulate the video frames.

There is no teaching or suggestion in Newman for an editing unit that assigns identification numbers to the contents data and allocates the contents data to a plurality of predetermined scenes based on the assigned identification number, the predetermined scenes composing a scenario selected by a user, as set forth in the independent claims.

Bandaru merely discusses digital media frames (DMF) associated with an account that includes a user profile containing information specific to a particular DMF. A user can

select one or more share lists in which case recipients in the multiple share lists receive the selected objects. As such, <u>Bandaru</u> is concerned with the management of the members in the same DMF network. <u>Kamara</u> discusses a network centric digital editing application. <u>Neel</u> does not make up for the deficiencies of <u>Bandaru</u>, <u>Kamara</u> and <u>Newman</u> discussed above.

In one or more examples of the present invention and as best shown in Figs 40-43, the moving-picture editing program allocates identification numbers to the original clips. The moving-picture editing program selects one of the original clips in accordance with a number, from among many allocated to the original clips, thereby choosing one original clip. The editing unit allocates content data to one of scenes composing a scenario that has been selected by a user. That is, movie content (movie-picture data) is made by allocating contents data (clip) to predetermined scenes. Please see the discussion on at least pages 59-64 of the present specification. These features are not taught or suggested by the applied art. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) based on <u>Bandaru</u>, <u>Kamara</u>, <u>Newman</u> and <u>Neel</u> is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this

application in even better form for allowance, the Examiner is encouraged to contact the

undersigned representative at the below listed telephone number.
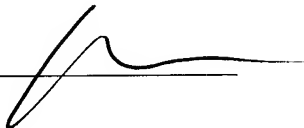
Respectfully submitted,

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